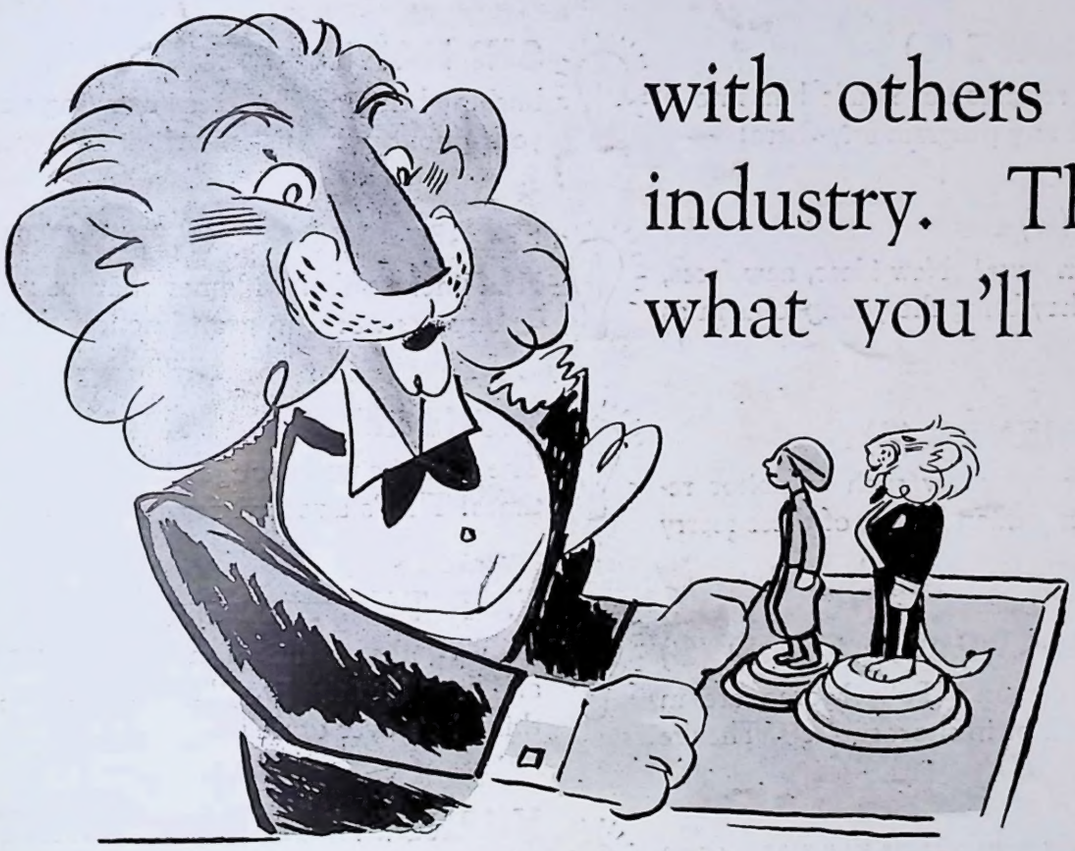
CANADIAN
MOVING PICTURE
DIGEST

Vol. 23, No. 10 TORONTO 2, CANADA July 4th, 1931

COMPARE M-G-M SHORT SUBJECTS



with others in the industry. This is what you'll find—

(See Inside Cover)

PUBLISHED BY
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Universal Contract with Tom Mix for Westerns, Sounds Box-Office!

Canadian Moving Picture DIGEST

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RAY LEWIS
Editor and Managing Director

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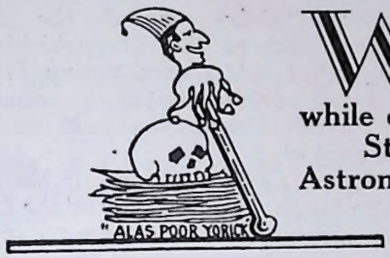
Commissioner Finds a Combine



WE DO NOT move as fast in Canada as they do, who reside across the border. This may be due to the fact that we in Canada only "see stars," while our "U. S. cousins" always see, "stars and stripes."

Star-gazers are generally slow-moving people, because Astronomy has revealed unto these that "there is no time in Eternity," and since the computation which measures our distance from the stars, and theirs from each other, runs into so many millions of years, the futility of rushing through space is obvious.

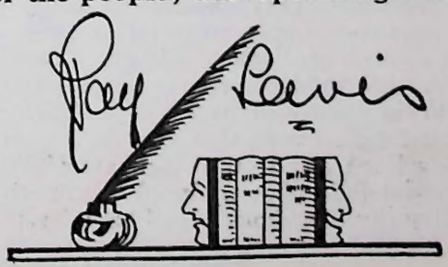
However, of one thing we are at least certain, our Government, in its investigation of the Famous Players Canadian Corporation, which is now Paramount-Publix, has moved faster, by an eleven years' speed, than the Federal Trade Commission, of the U.S., which found it necessary to cover a period of twelve years in its investigation of Paramount-Publix, under the Sherman Anti-Trust Act!

Our Government commenced its investigation in September of 1930, and in July of 1931, less than a year, pronounces the result of its findings, and that is, that Famous Players Canadian Corp. is a Combine, and that it is detrimental to the Public Interest.

Previous to the announcement of this Report by the Commissioner, various stories appeared in the U. S. Trade papers, announcing that the Report had gone into the "ash-can with $100,000 invested in the findings of this Report." The "ash-can" in modern parlance, indicates a repository for "waste food." Ashes, not necessarily "Ashes of Love's Desire" (good moving picture title) but "Ashes" in the same classification as "Waste."

There is no doubt about the ability of certain Interests in the U. S. to "get away," another classic expression, with things "within and without the Law."

There is so much activity in the milling, and so many millions of people in the U. S., that a Government Investigation, or Finding, even a Government "Cease and Desist" order, in imitation of our U. S. Trade paper contemporary, gets into the "ash-can" or becomes "pigeon-holed," but in Canada, Governments are closer to the Mirror of Public Opinion; and incidentally, at the head of the present Government, is the Right Hon. R. B. Bennett, Prime Minister, and the Cabinet which he selected; and he and his cabinet are not only averse to "$100,000 in the ash-can," but are noticeably occupied in endeavouring to give Canada a government representative of the will of the people; and operating for the preservation of traditions which have made British fair-play, and British Justice; a Torch-Bearer for all nations!



"Guilty of being a Combine against the Public Interest," deserves the consideration of all the people of Canada.

RAY PRESENTS

RAY LEWIS

THE Government of Canada expended close to a year in its Investigation of Famous Players Canadian, and the Canadian branch of the Hays' Organization.

Involved in the verdict of the Government, are many of the producer-distributor organizations, with Canadian branches in Canada.

It was inevitable that these companies should have been found guilty also, and it again demonstrates the position which The Digest has always taken, that unless the producer-distributors of Canada united for their mutual, as well as individual protection, and ceased to be dominated and controlled, to their future peril, by one company in control, and obsessed with the Monopolistic Urge, these Companies would discover themselves the victims of whatever retribution overtook The Octopus.

Paramount-Publix has always operated under a policy which believes that "Might is Right."

No company has more enemies within the Industry than this Company; and what constitutes the entire Industry's greatest peril, is that no one can tell Paramount-Publix anything.

THE Government Investigation did not precipitate itself upon the Industry without warning. Paramount-Publix knew, as it knew in 1919, in England, that the Film Interests in England and in Canada, resented the business policy of Paramount-Publix to "hog the whole show."

It was the entry into theatre and producing fields in England which commenced the battle of native film interests, supported by the people, against the foreign control of our screens. This antagonism took root in other countries!

Paramount-Publix has sensed the opposition and antagonism of Public Opinion to Monopoly and Foreign Control. It has gone through the experience of being obliged to stop its theatre building and producing plans in foreign countries, but despite this knowledge, through experience, which precipitated attacks against the entire U. S. film industry, and added to a growing unpopularity of American Business Methods, Paramount-Publix would not stop, even with all other Film Companies becoming the "scape-goat" upon which hung the vices of Paramount-Publix.

PARAMOUNT-PUBLIX deliberately planned and conspired with certain Interests to get the control of Famous Players Canadian. Paramount-Publix knew the people of Canada were opposed to the control of its National Asset, the Screen. Paramount-Publix knows that Canada is endeavoring to control her Radio; and other National Utilities.

Paramount-Publix knew that the Protective Association of Minority Shareholders had been formed, and that approximately 800 shareholders, holding about 100,000 shares of Famous Players had voted against the absorption and Americanization of the Famous Players.

Paramount-Publix ignored the Minority Shareholders, ignored the Greenshields & Co. prospectus which sold shares, voting Trust Certificates to Canadians, under a promise that Famous Players Canadian should be ensured Canadian control.

Mr. Adolph Zukor was one of the trustees, in a trusteeship formed to preserve the Canadian control, so the people of Canada were informed; and with another trustee, voted the foreign control deal through, in violation of all legal precedents of conduct in connection with trusteeship, for how could Mr. Zukor, as a trustee, vote to give himself the control of the Canadian company, for the benefit it appears, under evidence submitted by officers of Paramount-Publix, of the Paramount Famous-Lasky franchise.

Funds have been diverted from the Canadian company to Paramount-Publix since the latter's control. The Famous Players Canadian company has become the "Milking Depot" for Paramount product. Independent theatreowners have been forced out of business through high-pressure methods, and through Fear of Paramount control.

THE evidence in the Government's Findings reveals that the Distributors in Canada have been found guilty of being in a Combine with Famous Players. The Digest has always contended, and still contends that the Distributors cannot help themselves, that they too are the victims of the "high-pressure" methods of Paramount-Publix control; and the fear of not being able to get distribution for their product.

It is a case of "play our way" or a "freeze-out" and the distributors have played what appeared to them "the easiest way." But if these Distributors had run their Hays' Organization, free from Paramount-Publix control, for the mutual benefit of all, and the individual benefit of each member, the distributors would have preserved their independent prosperity, the Hays' Organization would not have been found a Combine, and the Industry would have been saved from the control of Monopolistic Interests.

Metro-Goldwyn-Mayer Not Named in Combine

Under an Act to Provide for the Investigation of Combines, Monopolies, Trusts and Mergers

Commissioner White's Report

(*Continued from Page 6*)

F. Theatres, Limited, and of Mr. N. L. Nathanson, when Manager of Famous Players, as disclosed by the evidence of various witnesses, including Mr. Wainwright, and by the improper use of Famous Players' buying power and paramount position in the moving picture business in Canada, looking to the concentration of Moving Picture theatres, particularly in the larger cities and towns, and in the strategic positions therein, in the hands of Famous Players, their subsidiaries and affiliations, to the lessening of competition in the operation of such theatres.

In these activities, the distributors hereinafter named as parties to the Combine, participated, by various agreements and arrangements with Famous Players and subsidiaries and affiliations, to withhold pictures from the independents for an unreasonable length of time, either at the specific request of Famous Players, or subsidiaries or affiliations, or through the granting of unreasonable clearance periods, under the guise of protection.

(f) By the purchase of theatre sites, options—deterring others from building.

(g) Ability of Famous Players to obtain from distributors contracts, or arrangements, verbal or otherwise, (first choice of the pictures to be released, etc.

(h) Closing and keeping closed by Famous Players certain theatres, Famous Players obtaining a lower price, etc.—(unfair to independents).

(i) Priority selective contracts (unfair to Independents).

(j) By reason of the agreements and arrangements and other activities above mentioned, Famous Players has been able to acquire, particularly in the large cities and towns in Canada, where the most profitable business is, such substantial control as to reduce competition to a minimum, and to make it extremely difficult for the independent theatre to survive, and to make possible the booking arrangements, pooling, and operating agreements and acquisitions above mentioned.

(k) By the agreement of the distributors and the producers named hereafter as parties to the Combine, to contract with exhibitors only in accordance with the terms of the standard Exhibitors Contract, and since May 15th, 1930, of the Canadian Exhibitors Contract, containing for the exhibitor extremely onerous terms.

(l) By concerted action in regard to arbitration.

(m) By concerted action in respect to the operations of Credit Committees, and members of the Film Boards of Trade and the Cooper Organization, in respect thereof, in connection with Credit Committee rulings.

(n) By concerted action of the distributors in the adoption of rules of the credit committees, and rules of arbitration suited to their own purpose.

(o) By undertaking to enforce the awards of arbitrators, by harsh and unreasonable means, leaving the exhibitor, against whom an award has been made, entirely at the mercy of exchanges, who in respect to contracts entered into, up till May 15th, 1930, at least, were required to enforce the rule as to deposits, and they may still do so.

(p) By the system of block booking, and blind booking, which has been, and is generally in force.

(q) By concerted action in these respects, participated in by the Cooper Organization, the distributors, hereinafter named as parties to the Combine, and by Famous Players, through its connection with Famous Lasky Film Service, and Regal Films, and its members in the Cooper Organization, and the activities of its officers in connection therewith, and with the Film Boards of Trade and the Credit Committees.

(r) By concerted action of the general managers of the distributor companies in Canada, and their co-operation with the Cooper Organization.

(s) By the domination of the Cooper Organization by the Producers of New York through the Hays Organization, and the constant consultation and co-operation with and supervision by the Hays Organization of the Cooper Organization.

(t) By the campaign of propaganda referred to previously in this report, on the part of the Cooper Organization, and its employees.

(u) By the interference, and attempted interference of the Cooper Organization, with the Censorship throughout Canada.

(v) By the attempts of the Cooper Organization to affect legislation favourably to the Producers-distributors.

(w) By the efforts of the Cooper Organization and the Distributors and Famous Players to acquire and retain Canada as a field for the exploitation of their pictures, produced in the United States, as nearly as maybe to the exclusion of others.

Inconsistency Thy Name Is Killam!

The Mail and Empire's editorial of Thursday, July 2nd, 1931, is headed, "Trying to Pull Canada Out From Under."

This editorial is an excellent one, and again we wonder if I. W. Killam really bought The Mail and Empire for himself, or for Lord Beaverbrook, who directs its editorial policy?

If it is true, "By their fruits shall ye know them," how can we reconcile the Paramount-Publix Famous Players Canadian Corporation deal, engineered by I. W. Killam, with this excerpt taken from The Mail and Empire:

"The whole country has been flooded with cheap American magazines, laden with American advertising and preaching American ideals. *From coast to coast American picture shows have drilled American propaganda into the minds of old and young. Lastly, the development of broadcasting has opened the innermost chambers of our homes to a continuous outpouring of United States advertising and entertainments.*"

The Hon. E. A. Dunlop Expects Trade Co-operation on British Film Distribution in Canada

The Combine Investigation Act

INTERPRETATION.

2. —In this Act, unless the context otherwise requires,

(1) combines which have operated or are likely to operate to the detriment or against the interest of the public, whether consumers, producers or others, and which
  (a) are mergers, trusts or monopolies, so called; or
  (b) result from the purchase, lease, or other acquisition by any person of any control over or interest in the whole or part of the business of any other person; or
  (c) result from any actual or tacit contract, agreement, arrangement, or combination which has or is designed to have the effect of
    (i) limiting facilities for transporting, producing, manufacturing, supplying, storing or dealing, or
    (ii) preventing, limiting or lessening manufacture or production, or
    (iii) fixing a common price or a resale price, or a common rental, or a common cost of storage or transportation, or
    (iv) enhancing the price, rental or cost of article, rental, storage or transportation, or
    (v) preventing or lessening competition in, or substantially controlling within any particular area or district or generally, production, manufacture, purchase, barter, sale, storage, transportation, insurance or supply, or
    (vi) otherwise restraining or injuring trade or commerce,

  are described by the word "combine;"

(2) "commissioner" means a commissioner appointed by the Governor in Council as hereinafter provided;

(3) "corporation" includes company;

(4) "Minister" means the minister charged for the time being by order of the Governor in Council with the administration of this Act;

(5) "Registrar" means the registrar appointed by the Governor in Council as hereinafter provided. 1923, c. 9, s. 2.

3. No proceedings under this Act shall be deemed invalid by reason of any defect of form or any technical irregularity. 1923, c. 9, s. 32.

COMPLAINT AND INVESTIGATION.

11. Any six persons, British subjects, resident in Canada, of the full age of twenty-one years, who are of the opinion that a combine exists, or is being formed, may apply in writing to the Registrar for an investigation of such alleged combine, and shall place before the Registrar the evidence on which such opinion is based.

REMEDIES.

31. Whenever in the opinion of the Minister an offence has been committed against any of the provisions of this Act, the Minister may remit to the attorney general of any province within which such alleged offence shall have been committed, for such action as such attorney general may be pleased to institute because of the conditions appearing,

OFENCES AND PENALTIES.

32. Every one is guilty of an indictable offence and liable to a penalty not exceeding ten thousand dollars or to two years imprisonment, or if a corporation to a penalty not exceeding twenty-five thousand dollars, who is a party or privy to or knowingly assists in the formation or operation of a combine within the meaning of this Act.

The Hon. E. A. Dunlop Corrects an Error

The Hon. E. A. Dunlop, the Provincial Treasurer of Ontario, in answer to an inquiry from The Canadian Moving Picture Digest, corrects the error which has crept into the Trade press of the United States, and in England, in connection with the disposition of the Provincial Government of Canada, in regard to the proposed and legislated British Film Quota Act, awaiting only an Order-in-Council, according to the disposition of the Government, to make the Act operative.

The Hon. E. A. Dunlop writes The Digest:

ONTARIO
THE PROVINCIAL TREASURER

Toronto, June 19th, 1931.

Ray Lewis (Mrs. Joshua Smith)
The Canadian Moving Picture Digest,
259 Spadina Ave.,
Toronto, Ont.

Dear Ray Lewis:

I have read with much interest the New York report you refer to and to the effect that as there are so few British motion pictures no quota of British films will be fixed in Ontario. Our information as to the supply of British films is quite to the contrary.

In fact the outlook for British pictures is so encouraging and the supply already arranged for is of such an extent that the need for fixing a quota at present is unlikely. You may recall I expressed the hope in the legislature that it might not be necessary to fix a quota although the necessary legislation was passed enabling the Government to do so. I hope for the continued co-operation of distributors and exhibitors to this end.

There is growing appreciation of British motion pictures and they are being welcomed to the screen in Ontario.

Yours truly,

E. A. DUNLOP.

"I Have Been Strongly Urged to Investigate Question of Paramount-Publix Manner of Acquiring Famous Players Canadian."—Mr. White

Toronto Theatres

UPTOWN—Manager Tom Daley—A Paramount production, "Forbidden Adventure," with Mitzi Green, Louise Fazenda, Edna May Oliver and Jackie Searle. It is a juvenile picture, and is a satire on Hollywood life. Ably directed by Norman Taurog.

LOEW'S—Manager Jules Bernstein—Norma Shearer in the Metro-Goldwyn-Mayer production, "A Free Soul." Norma Shearer, the daughter of an eminent lawyer, falls in love with a gangster, Clark Gable, whom her father has just saved from the electric chair. Although her relations are against her being in his company, Norma becomes his mistress. Her father, Lionel Barrymore, finds her in Gable's apartment in a very compromising situation and is thoroughly disgusted with her. Father and daughter make an agreement to go out to the mountains, where he can cure himself of drinking, and she is to forget Gable. The plan is successful but just as soon as they return to the city, Barrymore breaks his part of the bargain, and Norma, released from her part, goes back to Gable, only to find that she no longer cares for him. Leslie Howard, a former sweetheart of Norma's, jealous, kills Gable and gives himself up to the police. He is defended by Barrymore, who succeeds in getting him an acquittal, and who dies at the end of the trial. Directed by Clarence Brown.

IMPERIAL—Manager H. V. Knevels—"I Take This Woman," co-starring Carole Lombard and Gary Cooper. Carole Lombard, a wealthy society girl, is sent out to her father's ranch because of the fast life she has been leading. She falls in love with, and marries a cow puncher, Gary Cooper, who cannot support her in the manner that she has been accustomed to. After her father disowns her she goes to live on Gary's ranch, where she soon tires of the hard, monotonous life; but determines to stick it out until the Spring so that Gary can make good. When the Spring comes she leaves for home on the pretext that her father is sick. Once more home she writes Gary asking for a divorce. He comes to see her, in order to make her change her mind, but unable to do so leaves her and joins a circus, as a trick horseback rider. Carole realizes that she loves him, and goes to beg his pardon, but Gary will have nothing to do with her. He is hurt while riding, and Carole finally persuades him to go back to the ranch with her, where she is sure, this time, that they will be happy. Directed by Marion Gering and Slavko Vorkapich.

SHEA'S—Manager Jerry Shea—"Mr. Lemon of Orange," Fox production, co-featuring El Brendel and Fifi Dorsay. A comedy gangster plot, with the story centering around the theme of a mistaken identity. El Brendel, toy salesman, bears a remarkable resemblance to a well-known gangster. The gang are out to "get" him, and much suspense and hilarity are occasioned when they endeavour to round him up into a telephone booth, where they can riddle him with bullets. But Brendel, under the influence of liquor, stumbles around everywhere, but into the telephone booth. The dialogue is good. Fifi Dorsay and Wm. Collier, Sr., give Brendel excellent support. Direction by John Blystone.

TIVOLI—Manager Jimmie Lynch — "The Speckled Band"—British and Dominions production, released through Gaumont British. Adapted from the story of the same name by Conan Doyle. A Sherlock Holmes thriller, with Sherlock modernized, and his quarters in Baker Street, London, turned into an ultra modern office, with dictaphones, stenogs, etc. The story relates how Holmes is called in to investigate the case of a girl whose sister died mysteriously over a year before. The girl fears for her own life. The stepfather of the girls would benefit financially through their death, and the story unfolds the genius of Holmes, through his plan to place the girl in the room in which her sister died, and watch developments. A poisonous snake is then seen to be released in the room by the stepfather, but when the girl is rescued, the snake, in fury, turns and kills its owner. Lyn Harding, in his part as the murderer, is outstanding for his acting ability.

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"Courtesy With Service"

"Question of Paramount Control a Burning One of Great Interest to Canadian Minority Shareholders."—Commissioner White.

Round About the Studios

Lily Damita, French player for Metro-Goldwyn-Mayer, who appeared in the French version of "The Bachelor Father."

Because of the splendid work he did in directing "Waterloo Bridge", Carl Laemmle, Jr., has given James Whale one of the most important assignments for next season. The English director who was praised so highly also for his direction of "Journey's End", will handle the megaphone on "Frankenstein", with Bela Lugosi in the main part.

Another participant in "Waterloo Bridge" received an assignment yesterday, also. Mae Clarke, who played the leading role in "Waterloo Bridge", has been cast for the lead in "Twenty Grand". Cyril Gardner, who will direct, also has announced that Slim Summerville will be in the cast of this adaptation of the stage play.

Colonel Tim McCoy, recently signed by Columbia on a long term contract, has been assigned to his first production in a series of eight outdoor specials. The picture titled "Shot Gun Pass", an exciting tale of love and adventure, will go into production under the direction of J. P. McGowan, as soon as the supporting cast has been selected.

McCoy, a former army man, entered pictures during the making of "The Covered Wagon", because he could interpret Indian sign language. He next distinguished himself in "War Paint", and since has become a favorite in Western films. Among McCoy's most recent endeavors are: "Overland Telegraph" "Desert Rider" and "Sioux Blood".

The first Terry-Toon Music and Fun Club being sponsored by Educational, got under way at the Cameo Theatre, Philadelphia, last Saturday matinee. Twenty-five hundred boys and girls stormed the box office to become members of this fun club. Each kiddie was presented with a club button, a novelty instrument and given the necessary information on how to be a Terry-Tooner.

Seth Parker, (Phillips Lord), noted radio entertainer, is winding up his broadcast work preliminary to his Radio Pictures' film debut. Parker is scheduled to arrive at the studio by July 20th, bringing twelve of his company as support. Jane Murfin, studio contract scenarist and playwright, is writing the adaptation and dialogue.

With a cast of fifteen supporting players, Rosco Ates, Radio Pictures' stammering comedian, is now rehearsing "Use Your Noodle". Principals in support are Kitty Kelly, Charles Sullivan, Jimmy Leon and Walter Brenon. Lloyd French is to direct under the supervision of Louis Brock, short subject producer.

Tala Birell, Universal's combination of Marlene Dietrich and Greta Garbo, returned yesterday on the Bremen. Miss Birell went back after completing her role in the German version of "Boudoir Diplomat", in order to fulfill a German film contract and an engagement on the Vienna musical comedy stage. Accompanied by her sister, Miss Birell left on the Century for Universal City.

Fred Allen, who began his motion picture career in 1914 with Mack Sennett, has been signed by Charles R. Rogers to produce the six western films scheduled for RKO Pathe's current program. Allen will work under the supervision of Rogers, who heads the company's production.

Barbara Stanwyck, whose latest Warner Bros. picture, "Night Nurse", is soon to have its world premiere will next appear in "The Purchase Price", from a story by S. K. Morehouse. It will go into production at the Warner Bros. studios in Burbank late this summer. The theme of the Morehouse story is the struggle of a girl for "a place in the sun", and the price she has to pay. Meanwhile "Night Nurse" has been cut and edited, and awaits release. This picture is based on the novel by Dora Macy; it was directed by William Wellman, and in the cast, besides Miss Stanwyck, are Ben Lyon, Joan Blondell, Charles Winninger and others.

Zasu Pitts and James Gleason, the knife-throwing wife and soldier husband of "Beyond Victory" become the rolling pin hurling wife and automatic totting husband of "The Big Gamble", Bill Boyd's new RKO Pathe starring picture.

Louis John Bartels, Paul Hurst and Doris McMahon in "That's My Line," an RKO-Pathe comedy.

Metro-Goldwyn-Mayer star, Jean Hersholt in "Cheri Bibi."

Although only twenty years old, Marion Shilling, RKO Pathe contract player appearing in features and comedies, has had fifteen years of theatrical and screen experience. Her stage debut took place at the age of five in her father's midwest stock company where the young girl frequently appeared behind the footlights during summer vacations. At present Miss Shilling is appearing with June MacCloy in a series of RKO Pathe "Gay Girls Comedies", which Don Gallagher directed.

"Oh! Oh! Cleopatra", the second of the Hollywood Masquers Club's series of two-reel comedies has been completed for RKO Pathe release. This expose of part of the life and loves of Egypt's great siren is enacted by a typical Masquers all-star cast headed by Bert Wheeler, Robert Woolsey and Dorothy Burgess.

Eddie Cantor's new comedy, "Palmy Days", is in the fourth of its five-week schedule. These five pictures comprise the first part of Samuel Goldwyn's production program for United Artists for the 1931-32 season.

Betty Ross Clarke, former London stage star, made her debut before the motion picture camera Monday when "The Age for Love" was placed into production by Howard Hughes. This is the picture in which Billie Dove will make her return to the screen after a year's absence.

Adrian Morris, brother of Chester Morris, also has been added to the cast, which includes, besides the above-named, Lois Wilson, Edward Everett Horton, Charles Starrett and Mary Duncan. Frank Lloyd is directing.

A stupendous set which typifies the mechanical routine of those who travel daily from the suburbs to the City and there pore over ledgers until the return journey at night, has been constructed for the first scenes of "Rich and Strange" British International Picture, which will go into immediate production.

The cast, which has Joan Barry for Heroine, also includes Harry Kendall and two important additions are Percy Marmont, as a man of the world, and Betty Amann as an adventuress.

White's Report Advises Minority Shareholders Can Take Action!

ALWAYS WINNERS

In SHORTS as well as in FEATURES the Old Fightin' Cock Leads the Field!

RKO PATHE

Distributed in Canada by
REGAL FILMS LIMITED

13 Floyd Gibbons' Supreme Thrills
Supervised by A. P. Waxman & Michael Mindlin
RKO Van Beuren Production

6 Masquers
Comedies
Presented by Masquers Club of Hollywood
100 Hollywood Headliners in Every Cast
First Release "Stout Hearts & Willing Hands"

6 Jimmy Gleason
Comedies

6 Benny Rubin
Comedies

6 Frank McHugh
Comedies

6 Mr. Average Man
Comedies

6 Gay Girls
Comedies

6 Traveling Salesman
Comedies

6 Manhattan
Comedies

26 Aesop's Fables

13 Vagabond Adventures

26 Grantland Rice Sportlights

13 Pathe Reviews

52 Pathe News

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